C. 482 No. 233 of 2003

Hon'ble Irshad Hussain, J.

This is a petition under section 482 Code of Criminal procedure for seeking indulgence of the court in the matter of recovery of the maintenance allowance awarded to the wife.

The petitioner has not paid the interim maintenance allowance as a result of which the arrears accumulated and when the application for enforcement was moved before the learned Magistrate notice was issued to the petitioner calling upon him to pay the arrears amounting to Rs. 79, 300/-. Against this order this petition has been preferred. The petition is premature because merely the show cause notice was issued to the petitioner and the petitioner may move an application before the Magistrate concerned to seek for payment of arrears in instalments.

Considering this the petition is dismissed in limine.

Dated. 14.10.03

ISB

(Irshad Hussain, J.)